



Vol. 35 No. 5

MAY 2006

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MODERNIZING PUBLIC HEALTH STATUTES

Submitted by Jane Smilie and Judy Garrity

Public Health & Safety Division, Montana Department of Public Health & Human Services

Why modernize?

Montana citizens expect and deserve public health protection. Although the public health system has made enormous gains in reducing early mortality and extending life expectancy, outdated public health statutes and vastly inadequate funding of the local public health system threaten these gains. New public health threats include pandemic flu, re-emerging communicable diseases, and escalating chronic diseases and injuries.

Public health statute modernization efforts can alleviate these deficiencies through:

- a) clear delineation of basic authorities and responsibilities entrusted to public health entities; and
- b) support for a set of disease control measures that address contemporary health problems and threats.

Montana has used the Model State Public Health Act (MSPHA) as a template for public health statute modernization efforts. The MSPHA presents a broad mission to be carried out in collaboration with various public and private entities in the public health system.

Public health powers are articulated within a framework of modern legal practices and public health science that balances protection of the public's health with respect for the rights of individuals and groups. Since January, 2003, the MSPHA has been used to assist with modernizing state public health laws in 32 states across the country.

What have we learned?

Drs. Lawrence O. Gostin, James G. Hodge, Jr., Lance Gable of Johns Hopkins and Georgetown Universities' Center for Law and the Public's Health, under contract with the DPHHS, analyzed the Montana Code Annotated (MCA) and the Administrative Regulations of Montana (ARM) as they relate to the provisions of the MSPHA. They identified 10 potential legal gaps.

1. *Public Health v. Healthcare:* Portions of Montana statutes are devoted to health care, but not public health.

2. *Individual Rights / Due Process Guarantees for Public Health*

3. *Public Health Infrastructure:* There is little guidance in Montana statutes for public health infrastructure, certification, credentialing and training.

4. *Relationships among levels of government, public health agencies or interaction during emergencies*

5. *Prevention and Control of Conditions of Public Health Importance*

6. *Surveillance:* There is no surveillance system to track potential threats to the public's health.

7. *Counseling and Referral Services for contagious diseases*

8. *Testing, Examination, and Screening for more than the specific diseases mentioned in Montana statutes*

9. *Vaccinations and Immunizations:* Montana Statutes govern requirements for school-age children but do not mention other vaccinations or immunizations.

continued on next page

10. *Public Health Emergencies:* Title 10 of Montana statutes is devoted to emergency planning, but is not geared toward public health emergencies. **Harmonizing the emergency powers under Title 10 and an updated public health statute under Title 50 is a paramount concern.** The respective authority and responsibility of the Montana Department of Public Health and Human Services and the Montana Department of Military Affairs, Disaster and Emergency Services Division, must be addressed. Additional issues, such as the ability to use health professionals who are not licensed or credentialed in the state during an emergency, should also be examined.

What are our next steps?

Draft legislative language has been prepared for possible introduction during the 2007 Montana Legislative Session. This draft was based on the assessment and deliberations described above and framed around the following topical areas:

- Fundamental mission statement for the state public health system;
- Major public health powers of state and local public health agencies;
- Defined standards for conditions of public health importance;
- Procedural due process protections for public health practice; and
- Planning and preparation for public health emergencies.

We need to educate a variety of key groups about this potential legislation, including public health professionals, local boards of health, county commissioners, legislators and the public.

MARK YOUR CALENDAR

May 2	Interim Revenue & Transportation Committee; 8:00
May 2	Governor's Ag. Advisory Council; MACo; 8:00 am
May 2	Budget & Executive Committee Conference Call
May 10 - 12	WIR Conference, Sacramento, CA
May 15 - 17	Coroner's Convention; Forsyth
May 15	Districts 6 & 7; Billings
May 16	Districts 1, 2 & 3; Plentywood
May 17	Districts 4 & 5; Shelby
May 18	Districts 10 & 11; Polson
May 22 - 25	Governor's Preparedness Summit; Billings

UPCOMING EVENTS

June 2	Districts 8, 9 & 12; Whitehall
June 6	Primary Election
June 8	MACo Board Meeting
June 12	Interim Local Government Subcommittee; Capitol
June 13-16	Sheriff & Peace Officers Convention; Billings
June 18-22	Clerks of District Courts Convention; Virginia City
June 27-28	Oil, Gas and Coal Counties; Lewistown
July 12-14	County Attorney Convention; Whitefish
August 4-8	NACo Annual Conference; Chicago
September 11-15	Clerk / Recorder Annual Convention; Glasgow
September 28-22	Treasurer's Annual Convention; Miles City
September 24-28	MACo Annual Conference; Bozeman

Plans include the following:

- *During May, deliver videoconference sessions (or I-Link sessions with teleconference calls) between Helena and small clusters of counties in the state. This would give people in each county an opportunity to: see, hear, and process this information, ask clarifying questions and dialogue with other counties to identify common concerns.*

- *In early June, conduct dialogue/listening sessions in regional centers across the State to include Kalispell, Missoula, Butte, Great Falls, Bozeman and Helena.*

Through these targeted group dialogues, participants will understand changes in the law, why changes are necessary, and how those changes affect their specific roles and responsibilities (Board of Health members, public health officials, sanitarians). Participants will also understand the circumstances that could constitute an emergency in one or more counties in Montana and the statutory authority needed to handle such possibilities both efficiently and effectively.

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FAREWELL TO OLINE BARTA

MACo Administrative Assistant



Oline, who began work in the MACo office in October 2001, left her position on April 26 to begin work at the Montana Department of Environmental Quality as an assistant for the Air Permitting Office. In her five years of work at MACo, she was instrumental in implementing the county identification tag program, as well as providing support for all MACo staff.

"While we are sorry to lose Oline, we wish her the best as she moves to her new position," wrote MACo Executive Director Harold Blattie. Oline noted that she has enjoyed working with county officials and values the relationships she has made while at MACo.

Oline and her husband, Steve, spent 17 years farming in Phillips County before moving to Helena the first time, living there for five years. They moved to Utah and returned to Helena in 2001. Oline's education background includes a Bachelor of Arts Degree in Philosophy from University of Montana and coursework from Helena College of Technology.

COUNTY LEADERSHIP INSTITUTE: JOHNSON CHOSEN

By Sandra Clark, NACo Education Services

Cynthia Johnson, Pondera County Commissioner and MACo 2nd Vice President, has been accepted to the NACo-NYU Wagner County Leadership Institute (CLI) in New York City.

CLI is a joint effort between NACo and NYU's Robert F. Wagner Graduate School of Public Service. The CLI helps elected officials exercise leadership to address the complex challenges facing counties. Up to 30 people from across the U.S. (one per state) participate.

CONTRACTOR'S TAX

By Harold Blattie, MACo Executive Director

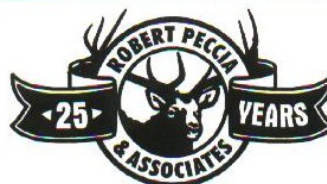
Montana Law provides for a 1% tax on the value of public works contracts over \$5,000 done by public contractors. MCA §15-50-101(3)(a) defines "public contractor" as any person who enters into a construction contract with a public entity when the contract cost, value, or price exceeds \$5,000. This includes work done by subcontractors.

This tax does not apply to the purchase of materials alone. For example, if a county purchases 10,000 yards of gravel for \$10/yard for a total cost of \$100,000, no tax is due because the transaction is a purchase of materials. But if a county enters into a contract to haul and apply 10,000 yards of gravel at \$20.00/yard for a total contract price of \$200,000, the tax applies because it falls under the definition of performing public construction work in MCA §15-50-101.

The tax is 1% of the gross receipts defined in MCA §15-50-101(2), including the total value of all considerations (materials, labor, interest and all other expenses), but does not include any discounts or sales refunds that the contractor may receive. It is the responsibility of the contractor to pay the tax due to the Department of Revenue. However, pursuant to MCA §15-50-206(2) it is also **the responsibility of the public agency to withhold the tax due** and to remit that amount to the Department of Revenue at the same time as payment to a contractor is made. The withholding form is available at: <http://mt.gov/revenue/formsandresources/forms/PC2.pdf>.

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MONTANA COUNTY POPULATION ESTIMATES (July 2005)

COUNTY	POPULATION	CHANGE FROM 2004	COUNTY	POPULATION	CHANGE FROM 2004
Anaconda-Deer Lodge.....	8,948	-20	Madison.....	7,274	180
Beaverhead.....	8,773	-61	McCone.....	1,805	16
Big Horn.....	13,149	73	Meagher.....	1,999	-5
Blaine.....	6,629	-44	Mineral.....	4,014	134
Broadwater.....	4,517	-9	Missoula.....	100,086	1,023
Butte-Silver Bow.....	32,982	-85	Musselshell.....	4,497	-17
Carbon.....	9,902	132	Park.....	15,968	194
Carter.....	1,320	-17	Petroleum.....	470	-29
Cascade.....	79,569	-369	Phillips.....	4,179	-61
Chouteau.....	5,463	-83	Pondera.....	6,087	-21
Custer.....	11,267	-160	Powder River.....	1,705	-61
Daniels.....	1,836	-11	Powell.....	6,999	85
Dawson.....	8,688	31	Prairie.....	1,105	-35
Fallon.....	2,717	-54	Ravalli.....	39,940	470
Fergus.....	11,551	-68	Richland.....	9,096	19
Flathead.....	83,172	2,058	Roosevelt.....	10,524	-52
Gallatin.....	78,210	2,578	Rosebud.....	9,212	-15
Garfield.....	1,199	-29	Sanders.....	11,057	161
Glacier.....	13,552	25	Sheridan.....	3,524	-114
Golden Valley.....	1,159	54	Stillwater.....	8,493	65
Granite.....	2,965	71	Sweet Grass.....	3,672	-25
Hill.....	16,304	-39	Teton.....	6,240	-18
Jefferson.....	11,170	307	Toole.....	5,031	-112
Judith Basin.....	2,198	-6	Treasure.....	689	-47
Lake.....	28,297	382	Valley.....	7,143	-100
Lewis and Clark.....	58,449	517	Wheatland.....	2,037	-26
Liberty.....	2,003	-32	Wibaux.....	951	-23
Lincoln.....	19,193	128	Yellowstone.....	136,691	1,885

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*FROM Louise Welsh, Bond Program Officer
Montana Board of Investments*

The new INTERCAP Revolving Loan Program's variable interest rate through February 15, 2007 is **4.75%**

LOCAL OPTION VEHICLE TAX

Harold Blattie, MACo Executive Director

Several counties have discovered errors in the distribution of their Local Option Vehicle Tax. There are questions about the population numbers used to determine the distribution and about correcting incorrect distributions.

The Local Option Vehicle Tax, authorized in MCA Title 67, Chapter 3, Part 5 and codified in 61-3-537, provides the authority for a county to impose a fee based upon a percentage of a vehicle's value or a flat fee. The 1987 enabling legislation was intended as a short term solution to fund shortfalls in some district courts. It was scheduled to sunset in 1989. However, because of continuing district court shortfalls, the sunset was extended several times and the August 2002 Special Session removed the termination date.

The most significant change over the years was made in 1999. The maximum allowable rate that could be imposed was increased from 0.5% to 0.7% if a percentage is used, rather than a flat fee. The same legislation also imposed a new requirement that, "The governing body of a county may impose, revise, or revoke a local option motor vehicle tax or flat fee if the imposition, revision, or revocation of the tax or fee is **approved by the electorate of the county.**" We are not aware of any counties requesting voter approval for a change. Most counties that impose the Local Option Vehicle Tax collect it at a rate of 0.5%.

The total collections are to be distributed to counties and incorporated municipalities within the county. Of the total, 50% goes to the county. The other 50% is distributed based upon population between the county and all incorporated municipalities. In a simplistic form, the calculation would go as follows:

Big Sky County total population = 10,000 people
Big Sky County population, outside incorporated municipalities = 6,000 (60%)
Town of Crystal Blue Springs population = 3,000
Town of Mountain Peaks population = 1,000

Big Sky County receives 50%, plus 60% of the 50% that is distributed based upon population, for a total of 80%. Crystal Blue Springs receives 30% of the 50% that is distributed based upon population (15% of the total collections). Mountain Peaks receives 10% of the 50% that is distributed based upon population (5% of the total collections).

Assuming total collections of \$200,000, Big Sky County will receive 80% (\$160,000); Crystal Blue Springs will receive 15% of the total (\$30,000) and Mountain Peaks will receive 5% of the total (\$10,000).

It is the opinion of the Local Government Services Bureau at the Department of Administration, most (if not all) independent auditors and MACo that the most-recent population estimates available from the Census Bureau should be used and that the percentages should be recalculated annually for each fiscal year. Annual population estimates are available from the Census and Economic Information Center at the Department of Commerce at: <http://ceic.mt.gov/> The county estimates include the city/town residents, so to determine the county population outside the incorporated municipalities, those numbers must be subtracted from the total county population.

If distributions have been made incorrectly, MACo recommends that corrections for the current fiscal year be done this fiscal year. If this creates undue hardship, MACo suggests that you meet with the municipalities and work out an agreement. We are not aware of any guidance in statute or of any time limitations, however to go back further than the current year may not be practical or possible. Those prior years have been audited and should be considered to be closed. **You should consult with your County Attorney to seek guidance and direction.**

"The county governing body **by resolution** may provide for the distribution of the local option motor vehicle tax or flat fee." The county governing body should annually adopt a resolution setting the distribution between the county and municipalities. There are no restrictions on how a county (or municipality) uses their portion. You might consider including in your distribution resolution language that indicates how you intend to use the county portion each year.

SPOTLIGHT ON STILLWATER COUNTY

Emergency Phone System Successful for Notifying Residents

*By Linda Halstead-Acharya
Billings Gazette Staff*

During a span of less than an hour, hundreds of phones in four Stillwater County communities were ringing off the hook -- all from an incoming call traced to the same Colorado phone number.

The calls served as a test of a new emergency telephone notification system.

The system allows emergency personnel to send one message to thousands of residences simultaneously. To deliver precise instructions to a specific audience, the sender maps the affected area on the computer, records a message and sends it on its way. Calls can be targeted to any area -- from a one-mile radius to an irregular boundary of a rural subdivision.

Stillwater County Sheriff Cliff Brophy and DES Coordinator Ken Mesch ran tests covering four communities and three phone companies -- Qwest, Project and Triangle. To access all of the land lines (Cell phones are not included.), the system taps into a database of phone numbers collected for 911 service, which has the capability to provide dispatch with the source of a 911 call.

The emergency system is accessed via the Internet, but is guarded with several layers of security. Stillwater County, one of the first in the state to implement the technology, contracted with Colorado-based Intrado Inc., the company that provided the core of the nation's 911 network.

Brophy emphasizes that the database includes unlisted phone numbers but no names associated with them and is strictly limited to emergency situations. "The numbers cannot be sold to telemarketers and they can't be used to look up addresses," he said. Only Brophy, Mesch and three individuals have access to the system.

Anyone with caller ID saw the incoming call as an "Alert Message" or "Priority Alert" from an out-of-state number with a "303" prefix. The "303" indicates Colorado, where Intrado is headquartered. "When people see that '303' number and 'alert' text, that means it's an emergency message from us," said Brophy.

Brophy said the new notification system was funded through the monthly 25-cent fee that subscribers pay toward enhanced 911 service.

Status Reports Immediate

Of the 388 land lines called in one designated area, 317 calls were successfully delivered within minutes. A "successful delivery" means that either a person or a message machine picked up the call. The system tries each unsuccessful number three times before recording it as undelivered, said Michelle Aldecocera, program manager with Intrado.

Mesch is quick to point out that notification during emergencies should not be limited to the new technology. Emergency responders should also rely on the emergency broadcast system or going door to door when necessary.

Meagher County is testing the same system and, barring unforeseen problems, expects to be online almost immediately, said Maebeth Seidlitz, communications supervisor there.

In Yellowstone County, Anne Kindness, 911 Center manager, said she expects the system will be up and running soon.

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SPOTLIGHT ON LAKE COUNTY

Cooperative Agreement Reached

*by Karen Peterson
Lake County Leader Staff*



From left, County Commissioner Paddy Trusler, Ronan Mayor Kim Aipperspach and Tribal Council Vice Chair Carole Lankford

A memorandum of agreement was signed following months of cooperative effort between the Salish & Kootenai Tribes, the City of Ronan and Lake County to make the Mission Range Event Center (MREC) a reality.

The agreement stated intentions to develop a site for recreational use, possible funding options and to work together. "Everyone had the same type of vision for a valley-wide building. We thought there was no sense in having two of the same type of buildings, so why not work together to make one?" Ronan Mayor Kim Aipperspach said.

The agreement formally brings together three voting members that includes a Tribal councilperson, a city council person, and county commissioner or a delegated representative. The group also has a number of other members who are working on the project.

MREC will be a community center with a host of activities for all ages. Those activities are still in the planning stages,

along with the architecture for the building. The group has purchased a building site on the west end of town. Aipperspach said, "We hope to have the finalized plan for the construction by the end of this year."

The MREC committee hopes that their project will have great cultural and recreational importance. They meet monthly to plan the details. They have agreed to "assure that the efforts of each party will complement those of the other."

The group will work together to reduce costs and utilize each agency's strengths. Each party will provide funds from other interested civic organizations or funds from federal, state or Tribal grants.

This agreement "will be in effect for 25 years" unless one of the entities terminates the agreement by giving a 30-day written notice.

The Mission Range Event Center Complex will need a logo and the group hopes to recruit area talent through a logo contest open to all residents of Lake County and the Flathead Reservation.

SPOTLIGHT ON MADISON COUNTY

County Staff Allowed to Limit

Subdivision Requests

from Helena Independent Record

With the pace of development increasing in recent years, commissioners in Madison County passed a measure allowing staff to limit the number of subdivision applications if too many come in.

"This in no way is a 'stop development' maneuver," county planner Doris Fischer said. "It is, however, a way to ensure that we review projects thoroughly and responsibly."

State law gives a county 60 days to decide whether to approve a major subdivision or 35 days for more minor projects, once an application has been approved.

Subdivision applications are pouring in to Madison County every month and, with only two county planners, projects might not get carefully reviewed if that pace continues, she said.

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HELP AVAILABLE FOR MONTANA COMMUNITIES

From “WATERLOG” By Midwest Assistance Program (MAP)

Submitted by Sheryl Wood, MACo Associate Director

“Ask and you shall receive!” It’s a mantra that could help many small community water systems in Montana benefit from the State’s Financial and Managerial Assistance program. Many more communities could be served, but not enough have asked.

Montana’s Financial and Managerial Assistance program focuses on helping districts or boards overcome financial and managerial challenges. Montana’s Department of Environmental Quality contracts with MAP to have its rural development specialists travel to small communities and provide the assistance.

Sharing the know-how gained from years of experience working with small systems is one of MAP’s greatest strengths. Situations where MAP could help might be for existing districts which are planning expensive projects or need help to obtain grants and low interest loans or need to conduct a rate structure review.

To request financial and managerial assistance, contact Gary Wiens, Montana DEQ program officer, at 406-444-7838 or MAP’s Montana staff at 406-863-4900.

You must ask to receive!

TAX INCREMENT FINANCING (TIF)

*Submitted by Pamela Haxby-Cote
Economic Development Specialist
Governor’s Office of Economic Opportunity*

A “Bottoms-Up” Approach to Financing Community Development Thursday, May 25th, 2006 Old Supreme Court Chambers Montana State Capitol

The Governor’s Office of Economic Development, in conjunction with the Montana Association of Planners (MAP), invites you to attend a one-day Tax Increment Financing (TIF) workshop for economic development.

TIF enables local governments to direct property taxes that accrue from new development within a specially designated geographic area to various development activities.

The session is being co-sponsored by the League of Cities and Towns, MACo, and the Montana Economic Development Association.

Workshop Registration

The fee to attend the workshop is \$15.00 and includes lunch and materials. The session is limited to 100 participants. Please register by May 10th. For registration, go to

www.montanaplanners.org
or contact Janet Cornish (MAP) at 406-723-7993
or JanAllyce@aol.com.

A. G. OPINION

Volume 51 No. 16

Full text is available at

<http://www.doj.state.mt.us/resources/opinionsindex2006.asp>

1. When employers provide insurance policies providing prescription drug coverage and other medical services, the Montana unisex insurance law, MCA § 49-2-309, requires inclusion of coverage for prescription contraceptives and related medical services.

2. When employee benefit plans provide prescription drug coverage and other medical services, the Montana Human Rights Act, MCA § 49-2-303, requires inclusion of coverage for prescription contraceptives and related medical services.

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CHANGES TO CPR

Submitted by Emelia McEwen, MACo Staff

CPR is about giving chest compressions and mouth-to-mouth resuscitation to create more blood flow to the heart and rest of the body. The new guidelines from the American Heart Association call for 30 compressions for every two breaths...that's up from 15 compressions for every two breaths. Now the 30 - 2 ratio applies to everyone--infants, children and adults.

"The compressions are the most important part. The longer the compressions occur, the more consistently there is at least some blood flow to the heart..." said Dr. Elise van der Jagt, who was on the international board that established the changes. For every minute the heart is not working properly, chance of survival is decreased by 10%. Stopping to give the breaths could cost precious time. Rescuers should keep pushing hard and fast until a defibrillator can be used or the heart pumps on its own.

The revised guidelines also recommend cooling the body temperature of cardiac arrest patients to 90 degrees for 12 to 24 hours. Research shows a lower body temperature results in improved survival and brain function.

"This will have no effect on the status of current certification," said Sally Wade with the American Red Cross.

CONTACT EMELIA (444-4370 or macorma@maco.cog.mt.us) FOR INFORMATION ON JUNE CPR TRAINING. THE COST FOR CERTIFICATION TRAINING AND CARD IS \$3.50; THE OPTIONAL BOOK IS \$7.50.

MODEL SUBDIVISION REGULATIONS

From Myra Shults

The Model Subdivision Regulations should be posted on the MACo website about mid-May.

A link to the Blue Book should be posted on the MACo website later in May, after approval by the Board of Professional Engineers and Professional Land Surveyors. The Blue Book may be printed in hard copy if funds are found to do so.

FOREST COUNTIES COALITION

By Rita Windom, Lincoln County

The common thread for the 9th annual National Forest Counties & Schools Coalition Conference in Sparks, Nevada, was how important the secure funding is for schools and counties. This is the historic compact between counties in National Forests and the Federal Government to support a quality road and school infrastructure. These funds benefit **all** the schools in Montana. In Montana we stand to lose over \$14 Million if the bill is not reauthorized and fully funded. We all need to contact not only our congressional delegation but congressmen from other states as well. If you have friends or relatives in other states that would contact their congressmen in support of the reauthorization of the secure funding, it would be most helpful.

A national push in Washington D.C. is planned with a number of fly-ins on May 15-19, June 19-23, and July 17-21. We need 100-150 people working in teams. The Final Fly-In will be Sept. 13-14. This event needs to have 1000-1500 people on the steps, dressed alike, and making a statement: rural America is here and we need help and support in continuing the success of PL 106-393! As you begin your budgeting process, please put some funds aside for these important events.

There is a Congressional Briefing Packet available at www.forestco.tcde.tehama.k12.ca.us. Go there with questions or call 530-527-0666.

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COWBOY HALL OF FAME TRUSTEES

By Joelyn Hansen

By this time next year, the Montana Cowboy Hall of Fame (MCHF) and Western Heritage Center (WHC) hopes to have their trustees in place to effectively serve MCHF&WHC and the State of Montana.

Trustees for MCHF&WHC will be responsible for the nominations and selection for the inductees into the Hall of Fame. They will also assist in developing biographical information that will become part of the permanent collection. They may advance story ideas, encourage the production of literature, photography, artwork and videos, and help establish criteria for documenting and validating records, awards and honors of noted personalities. Trustees will also be called upon to help represent and promote the MCHF&WHC when needed.

Michael Neutgens, MCHF&WHC board president, said the State of Montana will be broken down into 12 districts patterned after the MACo districts. In each district there will be 20 trustees. Within each district, the trustees will elect officers and work together in the smaller groups. Neutgens hopes the trustees will be a group of diverse people from all backgrounds and ages who have an interest in the history of Montana and knowledge of the communities and people they represent.

METH: WHAT'S WORKING? WHAT'S NEXT?

From Lynn Solomon, Attorney General Office

**Statewide Conference
Monday and Tuesday, May 15 & 16
Best Western Great Northern, Helena, MT**

This Wheeler Center forum will focus on:

- * Community problems and solutions
- * Strategies for prevention and education
- * The changing role of the courts
- * Approaches to treatment

The registration fee for this statewide conference is \$45.00, and includes three meals (lunch, dinner and cont. breakfast), breaks and all materials. **Wheeler Center must receive your registration** by 5pm on Monday, May 8. Late registrations will be charged \$75.00 on a space available basis. Checks can be sent to the Wheeler Center, MSU, Bozeman, 59717. **Hotel reservations on your own** are available at the Great Northern @84.00 per night (ask for the Wheeler Conference rate) at 406-457-5500.

This conference is a project of the **Montana Governor's Office**, the **Montana Department of Justice**, the **Montana Meth Project**, and is co-sponsored by the **MSU Extension Service**.

For the draft program and registration form go to www.montana.edu/wheeler.

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LABOR AND EMPLOYMENT STEERING COMMITTEE

By Cynthia Johnson, Pondera County

The Committee is responsible for many issues regarding the development of employment opportunities within counties. The Committee is also involved in workforce programs for the un/under employed, dislocated workers, public service employment, vocational education, migrant and Indian programs, and rural workforce.

For the 2005 – 2006 work year, the committee intends to focus on five major issues:

- 1) Reauthorization of the Workforce Investment Act of 1998
- 2) Workforce Investment Act Appropriations
- 3) Strong relationships with Labor Department
- 4) Workforce and economic development links
- 5) Pension and retirement savings reforms.

The Committee considered five resolutions:

- 1) To amend Fair Labor Standards Act regulations affecting Rural Paramedics and EMT's. This proposal would eliminate the exempt designation of EMT's for wage and hour purposes. (Deferred to Annual meeting)
- 2) To provide for greater flexibility in the types of activities that count toward work and the individuals who must be included in the participation rates under the Temporary Assistance for Needy Families Block Grant (TANF). (Do Pass Recommendation)
- 3) To amend Mine Safety and Health Act (MSHA) regulations that do not correlate to rural county gravel pit operations. This resolution could significantly impact gravel operations in Montana where most rural counties are not financially able to comply with the strict MSHA regulations. (Withdrawn)
- 4) To maintain the current funding levels for workforce development programs but, preferably, to increase Workforce Investment Act funding in the 2007 budget. (Do Pass)
- 5) To amend the Americans with Disabilities Act in order that public entities receive adequate notice and an opportunity to correct accessibility violations. (Deferred)

TRANSPORTATION STEERING COMMITTEE 2006 LEGISLATIVE CONFERENCE

By Jamie Doggett, Meagher County

The Highway - Highway Safety Subcommittee

The Subcommittee, which worked tirelessly last year on the Highway funding bill, SAFETEA-LU, heard a report from the Federal Highway Commission on safety issues and, in particular, how federal funding is sent to the states and where counties get their rural roads safety money. No money is given directly to counties and must go through the state. There were no resolutions.

The Mass Transit - Railroad Subcommittee

There was continuing discussion on Amtrak and its funding needs. A resolution was passed by the Subcommittee supporting funding for the National Passenger Rail system that would not result in a reduction of service and allow necessary capital improvements. The President's budget was considerably lower than Amtrak's request or needs.

There was considerable discussion on the needs of commuter rail using freight rail lines for transporting passengers. While this is of little interest in Montana where there are no urban commuter rails, it was important to hear again that the 4 large railroads do hold a monopoly on use of their tracks in other states. NACo wrote to every member of Congress stating that NACo is in support of the Railroad Competition Act introduced by Montana Senator Conrad Burns and signed on by Senator Max Baucus, Congressman Denny Rehberg and others. This letter was also made available for Alliance for Rail Competition to hand deliver to their members of Congress during their Legislative Conference. continued on next page

MACo

Risk Management and Training

Ray Barnicoat

and

Emelia McEwen

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The Airport Subcommittee

The Subcommittee supported the reauthorization of the Federal airport and aviation programs including funding of small community air service development programs and, most important to Montana, the full funding of Essential Air Service (EAS). EAS serves seven Montana communities and is an important asset for the state, particularly in Eastern Montana. There is some Congressional opposition to the EAS program, especially in the House, but all of Montana's Congressional delegation signed in support of the full EAS funding. We must continue to monitor this issue. MACo President Doug Kaercher was asked to testify before a Congressional subcommittee on the importance of EAS.

The Ports Subcommittee

The Subcommittee is undoubtedly the least relevant to Montana, since the Missouri River no longer carries goods as far north as Montana, but we do have the history of a port at Fort Benton. This committee provided the most debate of the day. The resolutions included one for use of custom fees for maintenance and improvement of coastal and inland port infrastructure and the second was in support of the use of waterways as one method of easing traffic congestion and alleviating air pollution. Perchance this resolution might offer hope that Fort Benton would become a viable port for Montana river trade again.

Because of the timing of the Legislative Conference and international news at the time, Miami-Dade County, FL brought forward a resolution regarding security impacts of the acquisition of seaport operations in the United States by Dubai Ports World and federal funding for deep water ports in complying with security requirements. The resolution urged NACo to support this resolution which would require the Committee on Foreign Investments to consult with state and local governments who are directly impacted by the proposed sale to Dubai Ports World and to increase federal funding to the affected deep sea ports in compliance with post 9-11 security requirements. There was considerable discussion on this issue, but committee members felt uncomfortable with language of the resolution, and voted not to pass it out of committee.

AGRICULTURE AND RURAL AFFAIRS STEERING COMMITTEE 2006 LEGISLATIVE CONFERENCE

By Kathy Bessette, Hill County

It seems as though our annual trip to the Legislative Conference in Washington, D.C. is filled with doom and gloom due to the many and varied interpretations of the President's proposed budget. We consistently hear about proposed cuts to the programs local governments utilize to continue operations. For example, CDBG is once again on the chopping block. Other proposed funding cuts that will negatively impact counties include the Justice Assistance Grant Program (JAG) which many areas use for drug task forces, Senior Citizen programs cut \$41 million, Essential Air Service cut \$61 million, plus Medicare / Medicaid.

Discretionary Funding By Appropriations Subcommittee (in billions of dollars)

	ENACTED	REQUESTED	CHANGE
Ag & Rural Development	18.5	17.2	-1.3
Defense	399.2	423.2	24.0
Energy & Water Development	30.1	29.4	-0.7
Foreign Operations	20.7	23.7	3.0
Homeland Security	30.5	30.9	0.4
Interior & Environment	25.9	25.2	-0.8
Labor, Health & Human Services, Education	141.8	137.8	-4.0
Legislative Branch	3.8	4.2	0.5
Military Quality of Life and Veterans Affairs	45.2	52.5	7.3
Science, State, Justice & Commerce	58.7	59.7	1.0
Transportation, Treasury, HUD, Judiciary, D.C.	68.8	67.1	-1.8
Allowances	----	-0.4	-0.4
TOTAL	843.3	870.7	27.3

continued on next page

Rural Development Subcommittee

Matt Chase, Executive Director, National Association of Development Organizations, spoke on the President's proposed budget.

Agricultural Subcommittee

Carmela Bailey, USDA Cooperative State Research, Education and Extension Service, spoke on the future of biobased products. Web sites to check out are www.ars.usda.gov/bbcc/, www.biodiesel.org, and www.bioproducts-bioenergy.gov.

Food Safety Subcommittee

Jan Singleton, USDA, national leader of food safety and science, spoke regarding an update of food laws and regulations. Some of the statistics she reported were frightening. Food-borne diseases in the US result in 76 million illnesses, 325,000 hospitalizations and 5,000 deaths. Implementation of country of origin labeling has been delayed until September 30, 2006. Poultry is not included as one of the products that will require country of origin labeling. The food safety committee reminds everyone to become a label reader, know where the food originated and wash all fruits and vegetables.

The full Agricultural and Rural Affairs Steering Committee

We passed one resolution that was in opposition to cuts in the USDA commodity and rural development programs. The FY2007 Bush administration proposes a 7% reduction in USDA discretionary funding from FY2006. Included in these cuts is a 5% across the board decrease for all commodity and dairy payments. This represents a cut of \$4.9 billion in agricultural subsidies over a period of 10 years. The administration states that this is an effort to promote more efficient production decisions and reduce the federal budget deficit.

The program consisted of a lesson in economics by David Rouzer, USDA Rural Development and Dr. Robert Stumberg, Professor at Georgetown University Law Center. They both spoke about the effect the World Trade Organization has on subsidies, the Farm Bill and agricultural producers. Although the presentation was interesting, I would like to know the amount of time either of the presenters have spent west of the Mississippi, let alone learning the challenges of operating a business, a farm or ranch in rural Montana.

MACo INSURANCE TRUST BUILDING PROGRESS



Friday, April 7, 2006



Friday, April 14, 2006



Friday, April 21, 2006



Friday, April 28, 2006



MICROSOFT CONTRACT

Submitted by Sheryl Wood, MACo Associate Director

En Pointe Technologies manages the Microsoft Select contract for Montana governments. All Montana counties, cities and state agencies may purchase through this contract. Counties can purchase all Microsoft Software at Select Level D pricing, the lowest pricing available to government customers.

En Pointe Technologies provides pricing information at <http://montana.enpointe.com/>
Contacts for En Pointe Technologies are:

Lyle Freeman 1-800-697-3898 x4308

lfreeman@enpointe.com

Ed Dobbins 1-866-474-6087

edobbins@enpointe.com

Government representatives for Microsoft are:

Chris Dearborn at chrisde@microsoft.com

Erin Berg at eberg@microsoft.com

MACo SPRING DISTRICT MEETING SCHEDULE

Monday, May 15 -- Districts 6 and 7
Billings, MetraPark Yellowstone Room

Tuesday, May 16 -- Districts 1, 2 and 3
Plentywood Civic Center, HWY 16 S

Wednesday, May 17 -- Districts 4 and 5
Shelby, Elks Club, 137 Main Street

Thursday, May 18 -- Districts 10 and 11
Polson, Public Health Conference Room
802 S. Main

Friday, June 2 -- Districts 8, 9 and 12
Whitehall, Borden's Restaurant
105 W. Legion (the main street)

All meetings are scheduled for 10:00 a.m.
and include a no host lunch.

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